

7. ~~NOT PASSED~~ - MIN 7/10/08

ORDINANCE NO. 34

AN ORDINANCE GRANTING TO CENTRAL CALIFORNIA TRACTION COMPANY, A CORPORATION, ITS SUCCESSORS IN INTEREST AND ASSIGNS, IN SO FAR AS IT LIES IN THE POWER OF THE CITY OF LODI TO GRANT THE SAME, THE RIGHT, PRIVILEGE, PERMISSION, RIGHT OF WAY AND FRANCHISE TO CONSTRUCT, LAY DOWN, MAINTAIN AND OPERATE FOR THE TERM OF FORTY-SEVEN YEARS A ~~SINGLE OR DOUBLE~~ SIDE TRACK OR SWITCH ~~OF~~ STANDARD GAUGE, FOR THE TRANSPORTATION OF BOTH FREIGHT AND PASSENGERS FOR HIRE, TOGETHER WITH THE RIGHT, PRIVILEGE, PERMISSION, RIGHT OF WAY AND FRANCHISE TO CONSTRUCT, LAY DOWN, MAINTAIN AND OPERATE SUCH POLES AND OTHER APPLIANCES AND APPARATUS FOR PROPELLING, DRAWING OR RUNNING THEREON CARS FOR THE TRANSPORTATION OF BOTH FREIGHT AND PASSENGERS FOR HIRE PROPALLED, DRAWN OR RUN BY ELECTRICITY SUPPLIED BY OR TAKEN FROM OVERHEAD OR UNDERGROUND WIRE OR WIRES OR BY ELECTRICITY SUPPLIED OR TAKEN OTHERWISE OR BY WIRE ROPES RUNNING UNDER THE STREETS AND MOVED BY STATIONARY ENGINES OR BY ANY LAWFUL MOTIVE POWER OTHER THAN MOVABLE STEAM ENGINES, HORSES OR MULES ON, OVER, AND ALONG THE STREETS, AVENUES, ALLEYS, LANES, PLACES AND ROUTE IN THE CITY OF LODI, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS; TOWIT:

FIRST: Commencing at a point on Lodi Avenue in the City of Lodi, which said point is Two hundred forty-five (245) feet Easterly from the center line of Main Street, run thence along said Lodi Avenue Westerly five and seventy-five hundredths (5.75) feet from and parallel to the center line of said Lodi Avenue a distance of Two hundred thirty (230) feet; thence on a curve to the right with a radius of One hundred fifty (150) feet a distance of Two hundred fourteen (214) feet to a point; thence Northerly and parallel to the Westerly line of Block twenty-four (24) in the City of Lodi to the North line of said Block No. twenty-four (24); thence Northerly and across Walnut Street in the said City of Lodi a distance of Two hundred ten (210) feet to a connection with the line of railroad of the Southern Pacific Railroad Company.

SECOND: Commencing at a point sixty (60) feet Easterly from  
(1)

the intersection of the center line of Main Street and the above described track; thence on a curve to the right with a radius of one hundred fifty (150) feet a distance of Two hundred seven (207) feet to a point; thence Northerly and parallel to the above described track and distant eleven and one-half (11 1/2) feet from the center line thereof to the Northerly line of Block No. twenty-four (24).

THIRD: Commencing at a point on the last above described track distant fifty (50) feet from the Northerly end of said above described curve; thence onto a curve to the right with a radius of one hundred fifty (150) feet, ninety (90) feet to a point; thence on a curve to the left with a radius of one hundred twenty (120) feet a distance of sixty (60) feet to a point; thence Northerly and parallel with the last described track to the Northerly line of Block twenty-four (24).

The Board of Trustees of the City of Lodi do ordain as follows:

Section 1. The right, privilege, permission, right of way and franchise is hereby granted unto CENTRAL CALIFORNIA TRACTION COMPANY, a corporation, its successors in interests and assigns, in so far as it lies within the power of the City of Lodi to grant the same, to use for the term of forty-seven years from the date of the passage of this ordinance, the streets, avenues, alleys, lanes, places and route in the City of Lodi, County of San Joaquin, State of California, hereinafter named and described and to that end the said CENTRAL CALIFORNIA TRACTION COMPANY, a corporation, its successors in interests and assigns in so far as it lies within the power of the said City of Lodi to grant the same, is hereby granted the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate and repair for the term of forty-seven years a ~~single or double side~~ track or switch of standard gauge for the transportation of both freight and passengers for hire, together with the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate such

poles and other appliances and apparatus for propelling, drawing or running thereon cars for the transportation of both freight and passengers for hire, propelled, drawn or run by electricity supplied by or taken from overhead or underground wire or wires or by electricity supplied or taken otherwise or by wire ropes running under the streets and moved by stationary engines or by any lawful motive power other than movable steam engines, horses or mules, on, over, and along the following streets, alleys, lanes, places, and route in the City of Lodi, County of San Joaquin, State of California, described as follows, to-wit:

FIRST: Commencing at a point on Lodi Avenue in the City of Lodi, which said point is Two hundred forty-five (245) feet Easterly from the center line of Main Street, run thence along said Lodi Avenue Westerly five and seventy-five hundredths (5.75) feet from and parallel to the center line of said Lodi Avenue a distance of Two hundred thirty (230) feet; thence on a curve to the right with a radius of One hundred fifty (150) feet a distance of Two hundred fourteen (214) feet to a point; thence Northerly and parallel to the Westerly line of Block twenty-four (24) in the City of Lodi to the North line of said Block twenty-four (24); thence Northerly and across Walnut Street in the said City of Lodi a distance of Two hundred ten (210) feet to a connection with the line of railroad of the Southern Pacific Railroad Company.

SECOND: Commencing at a point sixty (60) feet Easterly from the intersection of the center line of Main Street and the above described track; thence on a curve to the right with a radius of one hundred fifty (150) feet a distance of Two hundred seven (207) feet to a point; thence Northerly and parallel to the above described track and distant eleven and one-half (11 1/2) feet from the center line thereof to the Northerly line of Block No. twenty-four (24).

THIRD: Commencing at a point on the last above described track distant fifty (50) feet from the Northerly end of said above described curve; thence onto a curve to the right with a radius of one hundred fifty (150) feet, ninety (90) feet to a point; thence

on a curve to the left with a radius of one hundred twenty (120) feet a distance of sixty (60) feet to a point; thence Northerly and parallel with the last described track to the Northerly line of 310<sup>th</sup> twenty-four (24).

Section 2. The grantee of said franchise and its assigns shall have the right to excavate and remove portions of the street or streets along the route above described, necessary to properly construct said work and to erect all needful apparatus to properly build said side track or switch.

Section 3. The grantee of said franchise or its successors in interests or assigns shall at its own expense pave or repave, macadamize or remacadamize, grade or regrade the entire length of the streets occupied by the tracks and between the rails thereof and two feet on the outside of the same, with the same material as may be used for such purposes by the City of Lodi and under the same supervision and specifications and in the same manner as upon the streets and portions of streets over which the said side track or switch runs and shall keep the same constantly in repair flush with the streets and with good crossings.

Section 4. This ordinance shall take effect and be in force from and after its final passage and approval.